

### **REMARKS/ARGUMENTS**

The office action of June 23, 2006, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 1, 10, 27, and 43 have been amended. Claims 1-2, 4-11, and 13-58, and 60-86 remain pending in this application.

Claims 27-28, 31-36, 39-46, 48, 50-56, 58, 60, 62-63, 66-73, 75, 77, and 81-86 stand rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,279,014 to Schilit et al. (“Schilit”). Applicants respectfully traverse the rejection.

In order to reject a claim under 35 U.S.C. § 102(e), each and every element of the claim must be described in the reference. The Action alleges that Schilit discloses all of the elements of independent claims 27, 33, 43, 50, 55, 70, 73, 75, 77, 83, and 85. Each of these independent claims includes some type of association between an audio annotation and/or audio note with an author of the audio annotation and/or audio note.

Specifically, claim 27, as amended, recites, among other features, “wherein said audio annotation is associated with an author of said audio annotation.” Applicants’ claim 33 recites, among other features, a step of “associating an author of the audio annotation with the audio annotation.” Amended independent claim 43 recites, among other features, “retrieving audio annotations, each of said audio annotations being associated with an author of said audio annotation.” Applicants’ independent claim 50 recites, among other features, “wherein said at least one audio annotation is associated with a property identifying an author of said at least one audio annotation.” Independent claims 55 and 70 each recite, among other features, “wherein said audio content includes at least one audio annotation, wherein at least one property identifies an author of the at least one audio annotation.” Applicants’ claim 73 recites, among other features, “wherein each of said audio clips includes an audio annotation associated with an author of the audio annotation, wherein said search terms or properties identify an author of the audio annotation.” Independent claim 75 recites, among other features, “wherein each of said audio clips includes an audio annotation associated with an author of the audio annotation, wherein said processing associates an author of the recorded audio signal with the audio annotation.” Applicants’ claim 77 recites, among other features, “associating an author of said

audio note with said audio note,” and Applicants’ amended claim 83 recites, among other features, “wherein each audio note is associated with a property identifying an author of said audio note.” Finally, Applicants’ independent claim 85 recites, among other features, “wherein each set of audio notes is associated with a property identifying an author of said set of audio notes.”

Shilit neither teaches nor suggests any type of association between an author of an audio annotation and/or audio note and the audio annotation and/or the audio note. Column 5, lines 42-64 of Shilit describe the manner in which the Shilit system assigns attributes. This portion of Shilit fails to teach or suggest that an attribute may be *an author of an audio annotation and/or an audio note*. Specifically, the cited portion of Shilit references an author as an attribute *only with respect to the original document itself*. “Attributes may also be inferred from documents. In the system 10, the electronic documents are already associated with a variety of attributes, such as creation date, author, province and title.” Shilit fails to describe association of an author with an audio annotation and/or audio note. As such, for at least these reasons, independent claims 27, 33, 43, 50, 55, 70, 73, 75, 77, 83, and 85 are patentably distinct from Shilit.

Claims 28-32, 34-42, 44-49, 51-54, 56-58, 60-69, 71-72, 74, 76, 78-82, 84, and 86, which depend from these independent claims are patentably distinct from Shilit for at least the same reasons as their ultimate base claims and further in view of the novel features recited therein. For example, dependent claim 36 recites, among other features, “wherein said recording step records all ambient sounds.” Neither the cited portion nor any portion of Shilit teaches or suggests recording of ambient sounds. In addition, Applicants’ dependent claim 39 recites, among other features, “associating additional properties with said audio annotation at the start of recording of said audio annotation.” As specifically described in Shilit, attributes are assigned after the context of an annotation is determined. (Shilit, col. 5, ll. 42-47). Therefore, withdrawal of the rejection is respectfully requested.

Claims 1-2, 4-6, 9-11, and 13-26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,390,138 to Milne et al. (“Milne”) in view of Schilit. Claim 7 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Milne in view of Schilit in view of U.S. Patent No. 5,838,313 to Hou et al. (“Hou”). Claim 8 stands rejected under 35

U.S.C. § 103(a) as being unpatentable over Milne in view of Schilit in view of U.S. Patent No. 6,571,211 to Dwyer et al. (“Dwyer”). Applicants respectfully traverse these rejections.

Applicants’ independent claim 1 recites, among other features, “wherein said processor further associates an author of each of said audio annotations with each of said respective audio annotations.” As admitted by the Action, Milne fails to teach or suggest this feature. (Action, page 14). In response, the Action relies on Schilit to describe this feature. This feature of Applicants’ claim 1 is similar to one or more features recited in Applicants’ independent claim 27. As described above, Schilit fails to teach or suggest association of an author of an audio annotation with the audio annotation. As such, for similar reasons as recited above with respect to claim 27, Schilit fails to teach or suggest, “wherein said processor further associates an author of each of said audio annotations with each of said respective audio annotations.” None of Milne, Hou, or Dwyer, which are applied in the Action in combination with Schilit to reject claims 7 and 8, overcomes the deficiencies of Schilit.

Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of U.S. Publication No. 2002/0194260 to Headley et al. (“Headley”). Claim 30 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of U.S. Patent No. 5,644,674 to Aihara et al. (“Aihara”). Claim 36 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of U.S. Patent No. 6,205,419 to Fielder (“Fielder”). Claim 37 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Hou. Claim 38 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Hou, as applied to claim 37, and further in view of Dwyer. Claims 47 and 76 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of Milne. Claim 49 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of U.S. Patent No. 5,689,717 to Pritt (“Pritt”). Claims 57 and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of U.S. Patent No. 6,144,375 to Jain et al. (“Jain”). Claim 59 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of U.S. Patent No. 6,418,421 to Hurtado et al. (“Hurtado”). Claims 64-65 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of U.S. Patent No. 6,272,484 to Martin et al. (“Martin”). Claim 74 stands rejected under 35 U.S.C. § 103(a) as being

unpatentable over Schilit in view of U.S. Patent No. 6,055,538 to Kessenich et al. ("Kessenich"). Finally, claims 78-80 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Schilit in view of U.S. Patent No. 5,801,685 to Miller et al. ("Miller"). Applicants respectfully traverse these rejections.

Previously, Applicants canceled dependent claim 59 rendering the rejection of claim 59 as moot. Dependent claims 29-30, 36-38, 47, 49, 57, 61, 64-65, 74, 76, and 78-80, which depend from claims 27, 33, 43, 55, 73, 75, and 77, are patentably distinct over the art of record for at least the same reasons as their ultimate base claims described above and further in view of the novel features recited therein. None of Headley, Aihara, Hou, Dwyer, Milne, Pritt, Jain, Hurtado, Martin, Kessenich, or Miller, overcomes the deficiencies of Schilit as described with reference to independent claims 27, 33, 43, 55, 73, 75, and 77.

### **CONCLUSION**

It is believed that no fee is required for this submission. If any fees are required or if an overpayment is made, the Commissioner is authorized to debit or credit our Deposit Account No. 19-0733, accordingly.

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same.

Respectfully submitted,  
**BANNER & WITCOFF, LTD.**

Dated: September 25, 2006

By: /John M. Fleming/  
John M. Fleming  
Registration No. 56,536

1001 G Street, N.W.  
Washington, D.C. 20001-4597  
Tel: (202) 824-3000  
Fax: (202) 824-3001